

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FRANCOIS J. SACULLA, M.D.,

RESPONDENT

ORDER DENYING PETITION AND ORDERING EXAMINATION

The Petition of John R. Zweig for Summary Suspension of March 23, 1993, in the above referenced matter, came on for hearing before the board on March 25, 1993, at 8:30 a.m., as duly noticed in the Notice of Presentation of Petition for Summary Suspension, which notice is dated March 23, 1993. Attorney Zweig appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. The Respondent appeared in person.

The Wisconsin Medical Examining Board, having considered the sworn Petition for Summary Suspension; the Affidavit of Service of John R. Zweig dated March 25, 1993; the certified copy of the August 26, 1991, neuropsychological evaluation of Respondent done by Robert Hirshman, Ph.D. at New Medico Rehabilitation Center of Wisconsin; and having heard the arguments of attorney Zweig and the Respondent, hereby orders as follows:

NOW, THEREFORE, IT IS ORDERED that the Petition for Summary Suspension in this matter be, and hereby is, denied.

IT IS FURTHER ORDERED that pursuant to Wis. Stats. sec. 448.02(3)(b), Dr. Saculla shall within 45 days of the date hereof have both psychological and psychiatric evaluations done by a psychologist and a psychiatrist approved in advance by the board or its designee. Dr. Saculla shall submit the *curriculum vitae* of any psychiatrists and psychologists proposed by him to carry out the evaluations. Dr. Saculla shall provide previous evaluations to the psychologist and the psychiatrist approved by the board, and the evaluations performed shall include administration of the MMPI. The cost of the evaluations shall be borne by Dr. Saculla.

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DISCUSSION

Had the board been able to consider only the documentary evidence submitted in support of the Petition for Summary Suspension, the petition would in all probability have been granted. However, the board also had the benefit of extensive remarks by Dr. Saculla opposing the Petition. Dr. Saculla's presentation raised sufficient question whether suspension was immediately necessary to protect the public health, safety or welfare so as to require denial of the Petition.

Which is not to say that the board is unconcerned with Dr. Saculla's psychological and psychiatric status. Accordingly, the board concludes that Dr. Saculla must be required to have appropriate evaluations completed on an expedited basis in order to permit the board to determine whether the normal disciplinary process may continue or, rather, whether summary action is in fact required.

Dated this 12 day of April, 1993.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by 

Clark O. Olsen, M.D.

Secretary